

## **Historic, Archive Document**

Do not assume content reflects current scientific knowledge, policies, or practices.

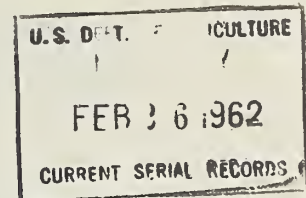


1.942  
S33P942  
Cof. 2

FSA-27

October 1960

UNITED STATES DEPARTMENT OF AGRICULTURE  
Agricultural Marketing Service  
Grain Division  
Washington 25, D. C.



PROSECUTIONS AND SEIZURES UNDER THE FEDERAL SEED ACT  
(July 1, 1959 to June 30, 1960) (462-484)

462. False labeling of sorghum seed and failure to keep a complete record.  
U. S. v. Goodman Grain & Seed Company, Akron, Colorado. (FS 853)

Goodman Grain & Seed Company, on March 8 and 15, 1957, transported in interstate commerce from Akron, Colorado, to McCook, Nebraska, 25 bags and 115 bags of sorghum seed.

A complaint was filed in United States District Court for the District of Colorado alleging that Goodman Grain & Seed Company did unlawfully transport in interstate commerce 25 and 65 bags of this seed in violation of the Federal Seed Act and failed to keep a complete record.

Labels attached to the 25 bags represented this seed to be the Orange variety of sorghum seed; whereas, this seed was found to be not the Orange variety of sorghum. Labels attached to the 65 bags represented this seed to be the Sumac variety of sorghum; whereas, this seed was found to be not the Sumac variety of sorghum. In addition, a complete record of the purity of these lots of seed, including a file sample of the 25 bags and growers' declarations of kind, variety, or type pertaining to both lots, was not kept by Goodman Grain & Seed Company as required under the Federal Seed Act.

On June 24, 1960, Goodman Grain & Seed Company entered a compromise settlement in the amount of \$300 which was accepted by the court.

-----

463. False labeling of sorghum seed and failure to keep a complete record. U. S. v. Anderson-Thompson, Inc., Lamar, Colorado. (FS 854)

Anderson-Thompson, Inc., on February 15, 1957, and April 1, 1957, transported and delivered for transportation in interstate commerce from Lamar, Colorado, to Coldwater and Ashland, Kansas, 10 bags and 25 bags of sorghum seed.

A complaint was filed in United States District Court for the District of Colorado alleging that Anderson-Thompson, Inc., did unlawfully transport and deliver for transportation in interstate commerce 4 bags and 22 bags of this seed in violation of the Federal Seed Act and failed to keep a complete record.

Labels attached to the bags of both shipments represented the seed to consist, in part, of 98.00 percent "Honey Drip" variety of sorghum seed; whereas, the seed was found to be a mixture of varieties of sorghum. In addition, a complete record of the purity of this seed was not kept and made accessible for inspection as required under the Federal Seed Act.

On August 18, 1959, Anderson-Thompson, Inc., entered a consent to judgment in the amount of \$100 on each of three counts, or a total of \$300, plus \$61.90 costs.

-----

464. False labeling of smooth brome seed. U. S. v. Northrup, King & Company, Inc., Minneapolis, Minnesota. (FS 859)

Northrup, King & Company, Inc., on March 24, 1958, delivered for transportation in interstate commerce from Minneapolis, Minnesota, to Clear Lake, South Dakota, 10 bags of smooth brome seed.

A complaint was filed in United States District Court for the District of Minnesota alleging that Northrup, King & Company, Inc., did unlawfully deliver for transportation in interstate commerce 10 bags of this seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 82 percent; whereas, this seed, when tested in May 1958, was found to have a germination of 55 percent.

On October 29, 1959, a judgment for \$300 was entered against Northrup, King & Company, Inc.

-----

465. False labeling of crested wheatgrass seed. U. S. v. Johnston Seed Company, Inc., Enid, Oklahoma. (FS 862)

Johnston Seed Company, Inc., on August 9, 1957, delivered for transportation in interstate commerce from Enid, Oklahoma, to Farmington, New Mexico, 20 bags of crested wheatgrass seed.

A complaint was filed in United States District Court for the Western District of Oklahoma alleging that Johnston Seed Company, Inc., did unlawfully deliver for transportation in interstate commerce 10 bags of this seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain no noxious-weed seeds; whereas, this seed was found to contain the noxious-weed seed halogeton at the rate of 40 per ounce.

On September 18, 1959, a judgment for \$100 plus \$54.20 costs was entered against Johnston Seed Company, Inc.

-----

466. False labeling of ryegrass seed. U. S. v. Monroe Feed Store, Monroe, Oregon. (FS 864)

Monroe Feed Store on August 27 and 31, 1957, delivered for transportation in interstate commerce from Corvallis, Oregon, and Cheshire, Oregon, to Arkadelphia and Leachville, Arkansas, 100 bags and 125 bags of ryegrass seed.

A complaint was filed in United States District Court for the District of Oregon alleging that Monroe Feed Store did unlawfully deliver for transportation in interstate commerce 60 bags and 125 bags of this seed in violation of the Federal Seed Act.

Labels attached to the bags in both shipments represented the seed to contain no noxious-weed seeds; whereas, 60 bags and 125 bags of this seed were found to contain the noxious-weed seeds cheat or chess at the rates of 99 and 108 per pound, respectively.

On June 30, 1959, Monroe Feed Store entered a consent to judgment in the amount of \$25 on each count, or a total of \$50 plus \$56.40 costs.

-----

467. False labeling of soybean seed. U. S. v. H. Kennedy, Summerdale, Alabama. (FS 865)

H. Kennedy, on May 24, 1957, delivered for transportation in interstate commerce from Summerdale, Alabama, to Lucedale, Mississippi, 150 bags of soybean seed.

A complaint was filed in United States District Court for the Southern District of Alabama alleging that H. Kennedy did unlawfully deliver for transportation in interstate commerce 88 bags of this seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 90 percent; whereas, this seed, when tested in July 1957, was found to have a germination of 13 percent.

On September 22, 1959, H. Kennedy entered a consent to judgment in the amount of \$50 plus \$44 costs.

-----

468. False labeling of rye seed and failure to keep a complete record. U. S. v. W. G. Weaver & Sons Seed Company, Winston-Salem, North Carolina. (FS 867)

W. G. Weaver & Sons Seed Company, on October 15, 1957, transported in interstate commerce from Winston-Salem, North Carolina, to Ocala, Florida, 108 bags of rye seed.

A complaint was filed in United States District Court for the Middle District of North Carolina alleging that W. G. Weaver & Sons Seed Company did unlawfully transport in interstate commerce 108 bags of this seed in violation of the Federal Seed Act and failed to keep a complete record.

Labels attached to the bags represented this seed to be the Abruzzi variety of rye seed and to contain no noxious-weed seeds. In a trueness-to-variety test this seed produced plants of which 84 percent resembled the Balbo variety of rye and 16 percent resembled the Rosen variety of rye. The seed was found to contain the noxious-weed seeds cheat or chess and buckhorn plantain at the rates of 139 and 36 per pound, respectively. In addition, a complete record of the purity of this seed, including a grower's declaration of variety, was not kept and made accessible for inspection.

On December 17, 1959, W. G. Weaver & Sons Seed Company entered a consent to judgment in the amount of \$300 plus costs.

-----

469. False labeling of smooth brome seed and excessive noxious-weed seeds. U. S. v. The Sexauer Company, Inc., Newday Seedsmen Division, Fargo, North Dakota. (FS 872)

The Sexauer Company, Inc., Newday Seedsmen Division, on January 13, 1958, transported in interstate commerce from Fargo, North Dakota, to Benson, Minnesota, five bags of smooth brome seed.

A complaint was filed in United States District Court for the District of North Dakota alleging that The Sexauer Company, Inc., did unlawfully transport in interstate commerce five bags of this seed in violation of the Federal Seed Act.

Labels attached to the bags represented this seed to contain no weed seeds; whereas, the seed was found to consist, in part, of 0.62 percent weed seeds and to contain the noxious-weed seed quackgrass at the rate of 82 per ounce. Smooth brome seed containing in excess of two quackgrass seeds per ounce is prohibited from sale in the State of Minnesota and therefore is prohibited from shipment into that State under the Federal Seed Act.

On August 5, 1959, The Sexauer Company, Inc., entered a consent to judgment in the amount of \$25 on each of two counts, or a total of \$50 plus costs.

-----

470. False labeling of cotton seed. U. S. v. Walcott & Steele, Inc., Greenville, Mississippi. (FS 873)

Walcott & Steele, Inc., on February 12, 1958, delivered for transportation in interstate commerce from Greenville, Mississippi, to Lake Village, Arkansas, 100 bags of cotton seed.

A complaint was filed in United States District Court for the Northern District of Mississippi alleging that Walcott & Steele, Inc., did unlawfully deliver for transportation in interstate commerce 100 bags of this seed in violation of the Federal Seed Act.

Labels attached to the bags represented this seed to have a germination of 80 percent; whereas, when tested in March 1958, the seed was found to have a germination of 45 percent with one percent hard seed remaining.

On September 18, 1958, a judgment in the amount of \$100, plus \$37 costs, was entered against Walcott & Steele, Inc.

-----

471. False labeling of Korean lespedeza seed and excessive noxious-weed seeds. U. S. v. Ross Seed Company, Inc., Louisville, Kentucky. (FS 874 and 882)

Ross Seed Company, Inc., on February 22 and February 27, 1958, transported in interstate commerce from Louisville, Kentucky, to Petersburg, Virginia, 30 bags and 100 bags of Korean lespedeza seed, and on January 16, 1958, transported in interstate commerce from Louisville, Kentucky, to Greensboro, North Carolina, 50 bags of Korean lespedeza seed.

Complaints were filed in United States District Court for the Western District of Kentucky alleging that Ross Seed Company, Inc., did unlawfully transport in interstate commerce 30 bags, 100 bags, and 50 bags of this seed in violation of the Federal Seed Act.

Labels attached to the 30 bags of seed represented the seed to contain the noxious-weed seed dodder at the rate of two per ounce; whereas, the seed was found to contain dodder seeds at the rate of 15 per ounce. Agricultural seed containing six or more dodder seeds per ounce is prohibited from sale in the State of Virginia and therefore is prohibited from shipment into that State under the Federal Seed Act.

Labels attached to the 100 bags of seed represented the seed to contain no noxious-weed seeds; whereas, the seed was found to contain dodder seeds at the rate of five per ounce.

Labels attached to the 50 bags of seed failed to disclose the presence of the noxious-weed seed, buckhorn plantain; whereas, the seed was found to contain buckhorn plantain seeds at the rate of 117 per pound.

This was the first contested action under section 406(b) of the Federal Seed Act since this section became effective in July 1956.

The Court in its opinion stated:

"In House Report No. 2473, subsection (b) of the amendment was described as providing a civil penalty payable to the United States for any violation of the Federal Seed Act or the rules and regulations made and promulgated thereunder, with or without intent.

"In an affirmative paragraph in the answer in each of the actions, the Ross Seed Company stated that, in labeling the shipments referred to, it used all possible care and precaution to comply with the Federal Seed Act and the rules and regulations made and promulgated thereunder by obtaining an analysis from a seed technologist and labeling the seed on that basis.

"The defendant alleged that its good faith in shipping the seed in interstate commerce and in labeling them in accordance with tests conducted by a competent expert and technologist constituted a complete defense in that it showed an absence of any intention on its part or the part of its employees to falsely label or mislead by false labeling. It contended that such good faith on its part also furnished a complete defense to any technical violation that may have resulted or been produced by other analyses differing with those of the defendant."

After citing two previous cases (149F. 2d 252 and 320 U.S. 277) the Court further stated:

"Relative to such prosecutions as there involved, and as is involved in the cases at bar, the Supreme Court said:

'The prosecution \* \* \* \* \* is based on a now familiar type of legislation whereby penalties serve as effective means of regulation. Such legislation dispenses with the conventional requirement for criminal conduct - awareness of some wrongdoing. In the interest of the larger good it puts the burden of acting at hazard upon a person otherwise innocent but standing in responsible relation to a public danger.'

"The teaching of this rule is that such articles may be misbranded without any consciousness of fraud at all.

'Hardship there doubtless may be under a statute which thus penalizes the transaction though consciousness of wrongdoing may be totally wanting.'"

On February 25, 1960, a judgment for \$50 on each of four counts, or a total of \$200, plus \$437.02 costs was entered against Ross Seed Company, Inc.

-----

472. Failure to label to indicate the presence of noxious-weed seeds in timothy seed and alsike clover seed. U. S. v. The Belt Seed Company, Inc. Baltimore, Maryland. (FS 876)

The Belt Seed Company, Inc., delivered for transportation in interstate commerce from Baltimore, Maryland, to Southbury, Cheshire, and Newton, Connecticut, four bags of timothy seed on February 7, 1958; to Portland, Connecticut, 10 bags of timothy seed on February 24, 1958; and to Presque Isle, Maine, 50 bags of alsike clover on April 10, 1958.

A complaint was filed in United States District Court for the District of Maryland alleging that The Belt Seed Company, Inc., did unlawfully deliver for transportation in interstate commerce 4 bags of timothy seed, 10 bags of timothy seed, and 44 bags of alsike clover seed in violation of the Federal Seed Act.

Labels attached to the two shipments of timothy seed failed to indicate the presence of the noxious-weed seed black-seeded plantain; whereas, this seed, sampled at four locations, was found to contain black-seeded plantain seeds at the rates of 34, 42, 40, and 30 per ounce, respectively.

Labels attached to the bags of alsike clover seed failed to indicate the presence of the noxious-weed seed buckhorn plantain; whereas, 44 bags of this seed were found to contain buckhorn plantain seeds at the rate of 31 per ounce.

On October 7, 1959, The Belt Seed Company, Inc., entered a consent to judgment in the amount of \$50 on each of three counts, or a total of \$150 plus costs.

-----

473. False advertisement of alfalfa seed. U. S. v. Northrup, King & Company, Inc., Fresno, California. (FS 877)

Northrup, King & Company, Inc., in November 1958, disseminated or caused to be disseminated in interstate commerce by the United States mails an advertisement pertaining to alfalfa seed.

A complaint was filed in United States District Court for the Southern District of California alleging that Northrup, King & Company, Inc., did unlawfully disseminate or cause to be disseminated in interstate commerce this advertisement in violation of the Federal Seed Act.

The advertisement represented "10-19 Brand" alfalfa to have certain characteristics which created the impression that it was a new variety of alfalfa and created the impression that it was developed as the result of research by Northrup, King & Company, Inc.; whereas, seed offered for sale under this name was the Lahonton variety of alfalfa seed which was developed and released by the Nevada Experiment Station in cooperation with the United States Department of Agriculture.

On December 24, 1959, Northrup, King & Company, Inc., entered a consent to judgment in the amount of \$100.

-----

474. False labeling of barley seed. U. S. v. Western Feed, Inc., Mesa, Arizona. (FS 879)

Western Feed, Inc., on October 12, 1957, transported in interstate commerce from Mesa, Arizona, to Blythe, California, 111 bags of barley seed.

A complaint was filed in United States District Court for the District of Arizona alleging that Western Feed, Inc., did unlawfully transport in interstate commerce 111 bags of this seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to consist, in part, of 99.44 percent pure seed and 0.56 percent inert matter and represented the seed to have a germination of 92 percent; whereas, the seed was found to consist, in part, of 97.31 percent pure seed and 2.69 percent inert matter and was found to have a germination of 65 percent in November 1957.

On October 8, 1959, Western Feed, Inc., entered a consent to judgment in the amount of \$50 plus \$37.10 costs.

-----

475. False labeling of bentgrass seed and ryegrass seed. U. S. v. Jenks-White Seed Company, Salem, Oregon. (FS 886)

Jenks-White Seed Company, on February 12, 1957, delivered for transportation in interstate commerce from Salem, Oregon, to Mountain View, California, 18 bags of bentgrass seed and on September 24, 1957, delivered for transportation in interstate commerce from Wellsdale, Oregon, to Kansas City, Missouri, 600 bags of ryegrass seed.

A complaint was filed in United States District Court for the District of Oregon alleging that Jenks-White Seed Company did unlawfully deliver for transportation in interstate commerce 18 bags of the bentgrass seed and 277 bags of the ryegrass seed.

Labels attached to the bags of bentgrass seed represented the seed to contain no noxious-weed seeds; whereas, this seed was found to contain the noxious-weed seed Klamath weed at the rate of 90 per pound, or 5 per ounce.

Labels attached to the bags of ryegrass seed bore, in part, the statement "Rumex spp. 54 per pound"; whereas, 277 bags sampled at four locations were found to contain the noxious-weed seed red sorrel at the rates of 18, 17, 15, and 16 per ounce, respectively.

On December 3, 1959, Jenks-White Seed Company entered a consent to judgment in the amount of \$25 on each of two counts, or a total of \$50, plus \$35 costs.

-----

476. False labeling of Korean lespedeza seed. U. S. v. Seed-Feed Supply Company, Inc., Chattanooga, Tennessee. (FS 887)

Seed-Feed Supply Company, Inc., transported in interstate commerce from Chattanooga, Tennessee, to Calhoun, Georgia, 50 bags of Korean lespedeza seed on March 17, 1958; to Gadsden, Alabama, 2 bags of buttonclover seed on September 3, 1958; and to Trenton, Georgia, 20 bags of tall fescue seed on September 27, 1958.

A complaint was filed in United States District Court for the Eastern District of Tennessee alleging that Seed-Feed Supply Company, Inc., did unlawfully transport in interstate commerce 36 bags of the Korean lespedeza, 2 bags of the buttonclover, and 8 bags of the tall fescue seed in violation of the Federal Seed Act.

Labels attached to the bags of Korean lespedeza seed represented this seed to contain the noxious-weed seed horsenettle at the rate of 18 per pound; did not indicate the presence of any bracted plantain seeds; and represented the seed to contain a total of 63 noxious-weed seeds per pound; whereas, 36 bags of this seed were found to contain horsenettle seeds at the rate of 153 per pound, bracted plantain seeds at the rate of 234 per pound, and a total of 432 noxious-weed seeds per pound. Bracted plantain seeds are considered noxious-weed seeds in the State of Georgia. Agricultural seed containing in excess of 300 noxious-weed seeds per pound is prohibited from sale in the State of Georgia and therefore is prohibited from shipment into that State under the Federal Seed Act.

Labels attached to the bags represented the buttonclover seed to contain no noxious-weed seeds; whereas, this seed was found to contain the noxious-weed seed dock at the rate of 225 per pound.

Labels attached to the tall fescue seed represented this seed to have a germination of 85 percent; whereas, eight bags of this seed were found to have a germination of 67 percent in October 1958.

On December 18, 1959, Seed-Feed Supply Company, Inc., entered a consent to judgment in the amount of \$100 on each of three counts or a total of \$300 plus costs in connection with the shipment of Korean lespedeza seed. The two additional counts were dismissed.

-----

477. False labeling of hairy vetch seed. U. S. v. 15 bags of hairy vetch seed. (FS 888)

L. A. Green Seed Company, Nashville, Tennessee, on August 22, 1959, transported in interstate commerce from Nashville, Tennessee, to Summerville, Georgia, 20 bags of hairy vetch seed.

A libel was filed in United States District Court for the Northern District of Georgia requesting seizure of 15 bags, more or less, of this seed and alleging it to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 80 percent and 5 percent hard seed; whereas, 15 bags of this seed, when tested in September 1959, were found to have a germination of 53 percent with 4 percent hard seed remaining.

On November 23, 1959, no claimant having appeared, the United States District Court ordered said 15 bags of seed destroyed.

-----

478. False labeling of sorghum seed. U. S. v. King Brothers Grain & Seed Company, Inc., Muleshoe, Texas. (FS 890)

King Brothers Grain & Seed Company, Inc., on April 18, 1958, delivered for transportation in interstate commerce from Muleshoe, Texas, to North Little Rock, Arkansas, 213 bags of sorghum seed.

A complaint was filed in United States District Court for the Northern District of Texas alleging that King Brothers Grain & Seed Company, Inc., did unlawfully deliver for transportation in interstate commerce 180 bags of this seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 80 percent; whereas, the seed, when tested in June 1958, was found to have a germination of 62 percent.

On February 20, 1960, King Brothers Grain & Seed Company, Inc., entered a prejudgment settlement in the amount of \$400.

-----

479. False labeling of striate lespedeza seed. U. S. v. The Wax Company, Amory, Mississippi. (FS 892)

The Wax Company, on March 14, 1958, transported in interstate commerce from Amory, Mississippi, to Moulton, Alabama, 100 bags of striate lespedeza seed.

A complaint was filed in United States District Court alleging that The Wax Company did unlawfully transport in interstate commerce 25 bags of this seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain the noxious-weed seed bracted plantain at the rate of 18 per pound; whereas, this seed was found to contain bracted plantain seeds at the rate of 387 per pound.

On May 9, 1960, The Wax Company entered a consent to judgment in the amount of \$100 plus \$40.20 costs.

-----

480. False labeling of rye seed and failure to keep a complete record.  
U. S. v. Johnston Seed Company, Inc., Enid, Oklahoma. (FS 893)

Johnston Seed Company, Inc., on September 3 and October 15, 1958, delivered for transportation in interstate commerce from Crescent and Enid, Oklahoma, to Leachville, Arkansas, 322 bags and 248 bags of rye seed.

A complaint was filed in United States District Court for the Western District of Oklahoma alleging that Johnston Seed Company did unlawfully deliver for transportation in interstate commerce 252 bags and 186 bags of this seed in violation of the Federal Seed Act and failed to keep a complete record.

Labels attached to the 252 bags of seed represented the seed to consist, in part, of 97.66 percent rye seed and 1.34 percent inert matter; whereas, this seed was found to consist, in part, of 70.06 percent rye seed, 25.25 percent wheat seed, and 3.39 percent inert matter.

Labels attached to the 186 bags of seed represented the seed to have a germination of 90 percent; whereas, the seed was found to have a germination of 57 percent when tested in November 1958. In addition, a complete record of the germination of this seed was not kept and made accessible for inspection.

On March 16, 1960, Johnston Seed Company, Inc., entered a consent to judgment on three counts in the amount of \$150 plus \$54.60 costs. A fourth count regarding incomplete records was dismissed.

-----

481. False labeling of rye seed and failure to keep a complete record.  
U. S. v. E. F. Burlingham & Sons, Forest Grove, Oregon. (FS 895)

E. F. Burlingham & Sons, on August 23, and October 1, 1957, delivered for transportation in interstate commerce from Forest Grove and Amity, Oregon, to Ocala, Florida, and Dublin, Georgia, 400 bags and 536 bags of rye seed.

A complaint was filed in United States District Court for the District of Oregon alleging that E. F. Burlingham & Sons did unlawfully deliver for transportation in interstate commerce 86 bags and 13 bags of this seed in violation of the Federal Seed Act and failed to keep a complete record.

Labeling accompanying and pertaining to the 86 bags represented this seed to be the Abruzzi variety of rye seed and represented the seed to have a germination of 86 percent; whereas, this seed, when grown in a trueness-to-variety test, produced plants of which 26 percent were not the Abruzzi variety of rye, and when tested in November 1957, was found to have a germination of 60 percent. In addition, a complete record of the purity of this seed, including growers' declarations of variety, was not kept and made accessible for inspection.

Labeling accompanying and pertaining to the 13 bags represented this seed to be one lot of seed; to be the Abruzzi variety of rye seed; to consist, in part, of 3.75 percent other crop seeds; and to contain the noxious-weed seed darnel at the rate of 42 per pound; whereas, this seed was found to be not one "lot of seed" as that term is defined in the rules and regulations under the Federal Seed Act: four bags of this seed, based on a trueness-to-variety test, consisted of from 0 to 72 percent Abruzzi variety of rye; four bags of this seed were found to consist, in part, of from 5.88 to 8.95 percent other crop seeds; and five bags of this seed contained from 92 to 240 darnel seeds per pound. In addition, a complete record of the purity of this seed, including growers' declarations of variety, was not kept and made accessible for inspection.

On March 31, 1960, a judgment in the amount of \$75 on each of four counts or a total of \$300 plus \$35 costs was entered against E. F. Burlingham & Sons.

-----

482. False labeling of oat seed and failure to keep a complete record.  
U. S. v. Allan L. Book, doing business as A. L. Book & Company, Kankakee, Illinois. (FS 898)

A. L. Book & Company, on January 19, 22, 23, and 31, and February 14, 1957, delivered for transportation in interstate commerce from Kankakee, Illinois, to Galax, Bedford, Roanoke, Danville, and Lawrenceville, Virginia, 200 bags, 258 bags, 356 bags, 267 bags, and 150 bags of oat seed, respectively.

A complaint was filed in United States District Court for the Eastern District of Illinois alleging that Allan L. Book, doing business as A. L. Book & Company, did unlawfully deliver for transportation in interstate commerce 100 bags, 25 bags, 341 bags, 60 bags, and 75 bags of this seed in violation of the Federal Seed Act and failed to keep a complete record.

Labels attached to the bags in each of these shipments represented this seed to be the Andrew variety of oat seed; whereas, this seed, based on trueness-to-variety tests, was not the Andrew variety of oat seed. In addition, complete records of the purity of the seed in each of these shipments, including grower's declarations of variety, were not kept and made accessible for inspection.

On May 11, 1960, a judgment in the amount of \$350 was entered against Allan L. Book.

-----

483. Shipment of oat seed containing prohibited noxious-weed seeds.  
U. S. v. 13 bags of oat seed. (FS 902)

The Ohio Seed Company, West Jefferson, Ohio, on February 25, 1960, delivered for transportation in interstate commerce from Hilliards, Ohio, to Walkersville, Maryland, 100 bags of oat seed.

A libel was filed in United States District Court for the District of Maryland requesting seizure of 13 bags, more or less, of this seed and alleging it to be in violation of the Federal Seed Act.

Labels attached to the bags did not indicate the presence of any noxious-weed seeds; whereas, a sample representing 13 bags of this seed was found to contain quackgrass seeds at the rate of four per pound. Agricultural seed containing quackgrass seeds is prohibited from sale in the State of Maryland and therefore is prohibited from shipment into that State under the Federal Seed Act.

On June 7, 1960, no claimant having appeared, the United States District Court ordered said 13 bags of seed destroyed.

-----

484. False labeling of rye seed. U. S. v. Farmer City Grain Company, Farmer City, Illinois. (FS 903)

Farmer City Grain Company, on August 19, 1958, delivered for transportation in interstate commerce from Farmer City, Illinois, to Richmond, Virginia, 375 bags of **rye** seed.

A complaint was filed in United States District Court for the Southern District of Illinois alleging that Farmer City Grain Company did unlawfully deliver for transportation in interstate commerce 130 bags of this seed.

Labels attached to the bags represented this seed to have a germination of 85 percent; whereas, this seed was found to have a germination of 54 percent when tested in October 1958.

On June 30, 1960, a judgment in the amount of \$100 was entered against Farmer City Grain Company.

-----

INDEX, BY SHIPPER, OF PROSECUTION CASES  
UNDER THE FEDERAL SEED ACT, 462-484

| <u>Shipper and Kind of Seed</u>                                 | <u>Reference No.</u> |
|---|----------------------|
| Anderson-Thompson, Inc., Lamar, Colorado . . . . .              | 463                  |
| The Belt Seed Company, Baltimore, Maryland . . . . .            | 472                  |
| A. L. Book & Company, Kankakee, Illinois . . . . .              | 482                  |
| E. F. Burlingham & Sons, Forest Grove, Oregon . . . . .         | 481                  |
| Farmer City Grain Company, Farmer City, Illinois . . . . .      | 484                  |
| Goodman Grain & Seed Company, Akron, Colorado . . . . .         | 462                  |
| Jenks-White Seed Company, Salem, Oregon . . . . .               | 475                  |
| Johnston Seed Company, Enid, Oklahoma . . . . .                 | 465, 480             |
| H. Kennedy, Summerdale, Alabama . . . . .                       | 467                  |
| King Brothers Grain & Seed Company, Muleshoe, Texas . . . . .   | 478                  |
| Monroe Feed Store, Monroe, Oregon . . . . .                     | 466                  |
| Northrup, King & Company, Fresno, California . . . . .          | 473                  |
| Northrup, King & Company, Minneapolis, Minnesota . . . . .      | 464                  |
| Ross Seed Company, Louisville, Kentucky . . . . .               | 471                  |
| Seed-Feed Supply Company, Chattanooga, Tennessee . . . . .      | 476                  |
| The Sexauer Company, Fargo, North Dakota . . . . .              | 469                  |
| Walcott & Steele, Inc., Greenville, Mississippi . . . . .       | 470                  |
| The Wax Company, Amory, Mississippi . . . . .                   | 479                  |
| W. G. Weaver & Sons Seed Company, Winston-Salem, North Carolina | 468                  |
| Western Feed, Inc., Mesa, Arizona . . . . .                     | 474                  |

These cases were all prosecuted under section 406(b) of the Federal Seed Act which provides for civil proceedings. No criminal cases were completed during the fiscal year.

INDEX, BY SHIPPER, OF SEIZURE CASES  
UNDER THE FEDERAL SEED ACT, 477-483

| <u>**Shipper and Kind of Seed</u>                        | <u>Reference No.</u> |
|--|----------------------|
| L. A. Green Seed Company, Nashville, Tennessee . . . . . | 477                  |
| The Ohio Seed Company, West Jefferson, Ohio . . . . .    | 483                  |

\*\*The listing of names and addresses of shippers of seed seized under section 405 of the Federal Seed Act is considered to be information pertinent to the issuance of the judgment by the court and does not mean that the shipper was found guilty of violation of the Federal Seed Act. The action in seizure cases is against the seed.

